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EXAMINER
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ART UNIT	PAPER NUMBER
2151	

NOTIFICATION DATE	DELIVERY MODE
06/20/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *10 April 2008*.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-21* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-21* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-21 are pending in this application. Claims 1-15, 17-19 and 21 have

been amended as filed on 10 April 2008.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   **Claims 1, 3-8 and 10-20 are rejected under 35 U.S.C. 102(e) as being**

anticipated by Benveniste (US 2004/0264397 A1).

4.   With respect to Claim 1, Benveniste disclosed: "A method for determining in a

network component when to provide service to client devices operating in power-saving

mode in a wireless network (Abstract, lines 1-3), said method comprising:

receiving requested servicing signals from said client devices (Figure 7, object

760), the requested servicing signals including a scheduled requested servicing signal

received from a first one of the client devices ([0026], lines 1-9) and an unscheduled

requested servicing signal received from a second one of the client devices ([0007],

lines 5-9, where stations transmit radio signals to an access point and when stations are

operated by a user the user does not follow a schedule to request or transmit data, and

[0056], lines 3-5, where non power saving stations can be included and non power

saving stations do not use wake up schedules because they are never in a passive

mode);

determining an ability to accommodate said requested servicing signal ([0050],

lines 1-7); and

providing an indication of the ability to accommodate said requested servicing

signal to the respective ones of said client device ([0052], lines 1-3, and [0054], lines 1-

3)".

5.   With respect to Claim 8, Benveniste disclosed: "A device for determining in a

network component when to provide service to client devices operating in power-saving

mode in a wireless network (Abstract, lines 1-3), said device comprising:

a memory (Figure 3, object 303);

a processor in communication with said memory (Figure 3, object 302), said

processor operable to execute code for:

receiving a requested servicing signals from respective ones of said client

devices (Figure 7, object 760), the requested servicing signals including a scheduled

requested servicing signal received from a first one of the client devices ([0026], lines 1-

9) and an unscheduled requested servicing signal received from a second one of the

client devices ([0007], lines 5-9, where stations transmit radio signals to an access point

and when stations are operated by a user the user does not follow a schedule to

request or transmit data, and [0056], lines 3-5, where non power saving stations can be

included and non power saving stations do not use wake up schedules because they

are never in a passive mode);

determining an ability to accommodate said requested servicing signal ([0050],

lines 1-7); and

providing an indication of the ability to accommodate said requested servicing

signal to the respective ones of said client device ([0052], lines 1-3, and [0054], lines 1-

3)".

6.   With respect to Claim 18, Benveniste disclosed: "A processor (Figure 3, object

302) within a network component (Figure 3, objects 301, 304) for determining the ability

of said network component to honor servicing request signals received from respective

client devices (Abstract, lines 1-3), said processor executing code for:

reviewing an operating state of said network component ([0036], lines 3-7, where

buffering frames for a power-saving station in doze state indicates that the access point

reviews the operating state of the network component);

reviewing said servicing request signal ([0050], lines 1-7) the servicing request

signals including a scheduled servicing request signal received from a first one of the

client devices ([0026], lines 1-9) and an unscheduled servicing request signal received

from a second one of the client devices ([0007], lines 5-9, where stations transmit radio

signals to an access point and when stations are operated by a user the user does not

follow a schedule to request or transmit data, and [0056], lines 3-5, where non power

saving stations can be included and non power saving stations do not use wake up

schedules because they are never in a passive mode);

accommodating said servicing request signal ([0054], lines 1-3), with modification

when necessary ([0063], lines 1-4 and [0065], lines 1-3), when said operating state and

said servicing request signal are corresponding ([0053], lines 1-4); and

providing an indication of said accommodation to said respective client devices

([0065], lines 1-3).

7.   With respect to Claims 3 and 10, Benveniste disclosed: "wherein said scheduled

requested servicing signal includes a proposed service schedule ([0049], lines 1-3)".

8.   With respect to Claims 4 and 11, Benveniste disclosed: "further comprising:

modifying said proposed service schedule ([0063], lines 1-4)".

9.   With respect to Claims 5 and 12, Benveniste disclosed: "further comprising:

providing said modified service schedule to said first client device ([0065], lines 1-3)".

10.   With respect to Claims 6 and 13, Benveniste disclosed: "wherein said indications

are selected from the group consisting of: denied ([0052], lines 1-3), accommodated

with change ([0065], lines 1-3), and accommodated ([0054], lines 1-3)".

11.   With respect to Claims 7 and 14, Benveniste disclosed: "wherein determining an

ability to accommodate is based on at least one factor selected from the group

consisting of: the requested servicing method ([0050], lines 1-7), the proposed schedule

([0050], lines 1-7), network operating state ([0050], lines 1-7), network policy ([0050],

lines 1-7), and network condition ([0050], lines 1-7)".

12.   With respect to Claim 15, Benveniste disclosed: "The device as recited in claim

8, further comprising: an I/O device operable as an interface between said network and

said processor (Figure 3, objects 301, 304)".

13.   With respect to Claim 16, Benveniste disclosed: "The device as recited in claim

8, wherein said code is stored in said memory ([0040], lines 1-6)".

14.   With respect to Claim 17, Benveniste disclosed: "The device as recited in claim

8, further comprising: a receiving device for receiving said requested servicing signals

(Figure 3, object 301); and a transmitting device for providing at least said indications to

the respective ones of said client device (Figure 3, object 304).

15.   With respect to Claim 19, Benveniste disclosed: "The processor as recited in

claim 18, further executing code for: providing indications of denying said servicing

request signals to said respective client devices when said operating state and said

servicing request signals are not corresponding ([0052], lines 1-5).

16.   With respect to Claim 20, Benveniste disclosed: "The processor as recited in

claim 18, wherein said operating state is selected from the group consisting of:

processing load ([0052], lines 3-5), demand ([0050], lines 1-7), projected processing

load ([0050], lines 1-7), projected demand ([0050], lines 1-7), network component

operating state ([0036], lines 3-5, data is not transferred when the device is in power-

saving mode), network component policy ([0050], lines 1-7), and network component

condition ([0036], lines 3-5, data is not transferred when the device is in power-saving

mode)".

Claim Rejections - 35 USC § 103

17.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

18.   Claims 2, 9 and 21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Benveniste in view of Smith et al. (US 2003/0126244 A1).

19.   With respect to Claims 2, 9 and 21, Benveniste does not explicitly state: "in response to being unable to accommodate the unscheduled requested servicing signal, providing a proposed schedule to second client device".

However, Smith disclosed: "in response to being unable to accommodate the unscheduled requested servicing signal ([0028], lines 1-4 and [0029], lines 1-2, where a request is denied), providing a proposed schedule to second client device ([0029], lines 1-2, and [0034], lines 1-6, where a denied request is scheduled for a future time)".

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the scheduling system of Benveniste with the teachings of Smith to include support for denying an unscheduled request and providing a schedule for the denied request. Motivation to combine these comes from Smith, where: "In particular, there is a need in the art for mechanisms to more efficiently use network resources within a pull technology environment by balancing the network and server workload during periods when the demand on resource bandwidth exceeds the resource's capability to provide that bandwidth in real time" ([0005], lines 3-8). Therefore by combining the references one can schedule requests that would overload a network for a future time, and thereby utilizing network resources more efficiently.

Response to Arguments

20.   Applicant's arguments, see pg 7, lines 5-7, filed 10 April 2008, with respect to

Objection to the drawings and specification have been fully considered and are

persuasive. The Objection of the Specification and Drawings has been withdrawn.

21.   Applicant's arguments, see pg 7, lines 8-10, filed 10 April 2008, with respect to

Objection to the claims have been fully considered and are persuasive. The Objection

of the Claims has been withdrawn.

22.   Applicant's arguments, see pg 7, lines 11-21, filed 10 April 2008, have been fully

considered but they are not persuasive. Applicant argues: "aspects directed to

receiving requested servicing signals from respective client devices, including

unscheduled requested servicing signal received from one of the client devices" (pg 7,

lines 13-15). Examiner respectfully disagrees, Benveniste disclosed: "receiving

requested servicing signals from respective client devices (Figure 7, object 760, and

[0035], lines 1-4), including unscheduled requested servicing signal received from one

of the client devices ([0007], lines 5-9, where stations transmit radio signals to an

access point and when stations are operated by a user the user does not follow a

schedule to request or transmit data, and [0056], lines 3-5, where non power saving

stations can be included and non power saving stations do not use wake up schedules

because they are never in a passive mode)".

Conclusion

23.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MATTHEW S. LINDSEY whose telephone number is

(571)270-3811. The examiner can normally be reached on Mon-Thurs 7:30-5, Fridays

7:30-1.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSL
6/13/2008

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151